

REMARKS

Claims 1-12 have been examined. Claims 1 and 4-6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Nishinohara *et al.* (U.S. Patent No. 6,082,847; hereinafter “Nishinohara”). Claims 10 and 12 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kojima (U.S. Patent No. 5,177,603; hereinafter “Kojima”). Claims 1-3 and 7-9 are rejected under 35 U.S.C. § 102(a) as being anticipated by EP 1 219 441 A2 (hereinafter “EP ‘441”). Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicant submits the following in traversal of the claim rejections.

Rejection of Claims 1 and 4-6 under § 102(b) by Nishinohara

Applicant submits that claim 1 is patentable because each and every element of the claim is not disclosed or suggested by Nishinohara. Claim 1 recites:

A printer comprising:
a print performing unit which can change a structure thereof and in which contents of an executable printing process change depending on the structure;
an apparatus name information storing unit which stores a plurality of apparatus name information as identification information of the apparatus coordinated with the structure; and
a request responding unit for transmitting the apparatus name information coordinated with the structure at that time when a prescribed request is received among the plurality of apparatus name information to an apparatus transmitting the request.

In the Office Action, the Examiner alleges that column 9, lines 1-7 of Nishinohara teaches the claimed apparatus name information storing unit. This section of Nishinohara, however, only refers to step S1 of determining if the mounted cartridge is the color recording head and

displaying certain information on the LCD panel 67 according to the determination. The cited section, however, does not necessarily require that a plurality of apparatus name is stored because a *single* apparatus name information can be stored on the mounted cartridge. There is nothing to suggest that there is any sort of an apparatus name information storing unit, or even any type of storage unit, which stores a plurality of apparatus name information, as claimed.

Moreover, Nishinohara fails to disclose the request responding unit for transmitting the apparatus name information. The section of Nishinohara cited by the Examiner merely discloses an LCD panel used to indicate that a color cartridge is to be changed for a black cartridge. *See* col. 9, lines 1-8. There is nothing in the reference which discloses or suggests that the LCD panel transmits the apparatus name information as claimed.

Similarly, claim 4 is patentable because Nishinohara fails to disclose or suggest the output request responding unit for transmitting a printer name, as claimed. In the Office Action, the Examiner states that the information output means which outputs alarm information (as recited in claim 9 of Nishinohara) and an LED 72 which indicates whether a color recording head is installed in the facsimile mode (col. 10, lines 1-4 and 12-14), correspond to the claimed output request responding unit. However, there is nothing in Nishinohara which suggests that the information output means or the LED 72 transmits a printer name. Therefore, for at least the above reasons, claim 4 is patentable.

For claim 5, Nishinohara fails to disclose or suggest the claimed request responding unit for transmitting a device ID. Although the Examiner states that the LED 72 operates as a device ID, the LED 72 cannot possibly be a device ID because one would not be able to identify the

device based on whether an LED is on or off. Rather, the LED 72 merely indicates a mismatch of the recording head or cartridge with respect to the mode of the printer.

Claim 6, which depends from claim 5, is patentable for at least the reasons submitted for claim 5.

Rejection of Claims 10 and 12 under § 102(b) by Kojima

Applicant submits that claim 10 is patentable because Kojima fails to disclose or suggest all elements of the claim. For example, Kojima fails to disclose or suggest a printer comprising, *inter alia*:

a printing control unit for processing the received print job data when the determining unit determines that the received print job data is the monochromatic print job data, and *deleting the received print job data* when the determining unit determines that the received print job data is the color print job data.

In the Office Action, the Examiner argues that a deleting means for deleting *selected* data for each pixel of the printer disclosed in claim 1 of Kojima corresponds to the printing control unit. After deleting selected data, however, the original print job still remains in modified form. In contrast, claim 10 of the subject application discloses deleting the received print job data when the determining unit determines that the received print job data is the color print job data. Thus, Kojima fails to disclose the claimed printing control unit and claim 10 is patentable.

Similarly, claim 12 is patentable because Kojima fails to disclose or suggest the claimed printing control unit, *inter alia*.

Rejection of Claims 1-3 and 7-9 under § 102(a) by EP '441

Applicant submits that claim 1 is patentable because EP '441 fails to disclose or suggest each and every element of the claim. For example, EP '441 fails to disclose or suggest a printer comprising, *inter alia*, a print performing unit which can change *a structure* thereof and in which

contents of an executable printing process change depending on the structure and an apparatus name information storing unit, as claimed.

Even if the prior art device performs all the functions recited in the claim, the prior art cannot anticipate the claim if there is any structural difference. M.P.E.P. § 2114. In the Office Action, the Examiner cites the cartridge memory 143a in step 105 of Fig. 11 as corresponding to the apparatus name information storing unit. In the specification of EP '441, a cartridge is disclosed and the cartridge memory 143a is disclosed as being a *part* of the cartridge 143. In the present application, the claim recitation "a structure" is recited and an apparatus name information storing unit is recited in a *separate* element. Therefore, EP '441 cannot possibly disclose the recitations of claim 1 given the structural differences which exist between cartridge/cartridge memory and structure/apparatus name information storing unit.

Claims 2 and 3, which depend from claim 1, are patentable for at least the reasons submitted for claim 1.

Applicant submits that claim 7 is patentable because EP '441 fails to disclose or suggest a control part for rewriting only the second information stored in the nonvolatile storing unit to information for a different machine unit when an operation is to be started for the different machine from the machine used up to that time. Although Fig. 10 discloses flash memory 114 and the CPU 112, there is nothing to suggest that the CPU 112 rewrites *only* the second information stored in the nonvolatile storing unit to information for a different machine unit *when* an operation is to be started for the different machine from the machine used up to that time.

Assuming *arguendo*, that the flash memory stores information corresponding to the claimed first and second information, there is nothing to suggest that the CPU 112 necessarily

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No.: 10/766,330

rewrites the second information as claimed. Rather, the CPU 112 may constantly rewrite the second information for every operation, regardless of whether the operation was for the same machine used up to that time.

Therefore, for at least the above reasons, claim 7 is patentable.

Claims 8-9, which depend from claim 7, are patentable for at least the reasons submitted for claim 7.

New claims 13-15, which depend from claim 1 or 10, are patentable for the reasons submitted for their respective base claims.

New independent claims 16-18 are patentable for reasons similar to those submitted for claims 1, 4, and 5.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No.: 10/766,330

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

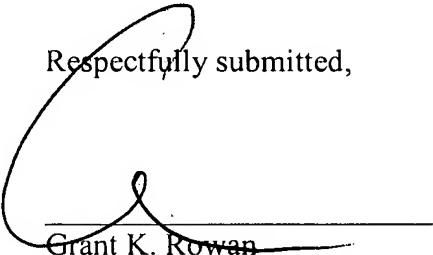
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER



Grant K. Rowan
Registration No. 41,278

Date: June 24, 2005